

**REMARKS/ARGUMENTS**

Claims 1-19 are pending in this application. By this Amendment, the specification and claims 8 and 11 are amended, and claims 12-19 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant sincerely acknowledges the Office Action's indication that claims 1-7 and 9-11 define patentable subject matter. However, for at least the reasons set forth below Applicant respectfully submits all pending claims are in condition for allowance.

- A) The Office Action objects to the disclosure for informalities. Applicant respectfully submits that the above amendments obviate the grounds for the objection. Withdrawal of the objection to the disclosure is respectfully requested.
- B) The Office Action objects to the drawings. Applicant respectfully submits that the above amendments obviate the grounds for the objection. Withdrawal of the objection to the drawings is respectfully requested.
- C) The Office Action objects to claim 11 for informalities. Applicant respectfully submits that the above amendments obviate the grounds for the objection. Withdrawal of the objection to claim 11 is respectfully requested.
- D) The Office Action rejects claim 11 under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that the above amendments obviate the grounds for the rejection. Withdrawal of the rejection of claim 11 under §112 is respectfully requested.

E) The Office Action rejects claim 8 under 35 U.S.C. §102(b) over U.S. Patent No. 5,623,647 to Maitra. The rejection is respectfully traversed.

With respect to claim 8, Applicant respectfully submits that Maitra fails to disclose recited features as required under §102. For example, Maitra fails to disclose at least features of an apparatus for scheduling a CPU that includes a CPU and a controller, wherein the controller is configured to determine a first amount of time required for a scheduler function to be completed, and determine a second amount of time required for an execution condition to be satisfied and change a clock speed of a process in accordance with a comparison of the first and second amounts of time and combinations thereof as recited.

In contrast, Applicant respectfully submits Maitra discloses managing an operating speed of a microprocessor according to a predetermined computing requirement for an application. For example, the computing requirement can be determined using input from a user or an application designer or it can be determined empirically using a benchmark evaluator. See column 7, lines 22-26 and column 6, lines 1-20 of Maitra. Thus, Applicant respectfully submits Maitra does not teach or suggest at least features of a controller configured to determine a first amount of time required for a scheduler function to be completed and a second amount of time required for an execution condition to be satisfied and change a clock speed of a process in accordance with the comparison of the first and second amounts of time and combinations thereof as recited in claim 8. Further, Applicant respectfully submits Maitra does not teach or

suggest any modification to its disclosure that would result in at least features of a CPU and a controller and combinations thereof as recited in claim 8.

For at least the reasons set forth above, Applicant respectfully submits claim 8 defines patentable subject matter. Withdrawal of the rejection of claim 8 under §102 is respectfully requested.

F) Claims 12-19 are newly added by this application and believed to be in condition for allowance.

### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

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Reply to Office Action of May 5, 2005

Docket No. HI-0034

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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